

## COUNTY OF CATTARAUGUS INDUSTRIAL DEVELOPMENT AGENCY

### REAL PROPERTY ACQUISITION POLICY

SECTION 1. PURPOSE AND AUTHORITY. The purpose of this property acquisition policy (the "Policy") is to implement Section 2824(1)(e) of Title Two of Article 9 of the Public Authorities Law (the "Regulatory Act"), which requires that the members of the County of Cattaraugus Industrial Development Agency (the "Agency") establish written policies and procedures applicable to the acquisition of real property by the Agency.

#### SECTION 2. DEFINITIONS.

(A) "Acquire" or "acquisition" shall mean acquisition of title or any other beneficial interest in real property by the Agency, but shall not include the acquisition of any interest in property to secure a loan or other financial obligation of another party.

(B) "Contracting Officer" shall mean the Executive Director of the Agency or such other officer or employee of the Agency who shall be appointed by resolution of the members of the Agency to be responsible for the acquisition of real property by the Agency.

#### SECTION 3. DUTIES.

(A) Inventory Controls. The Agency shall maintain adequate inventory controls and accountability systems for all real property owned by the Agency and under its control.

(B) Property List. The Agency shall prepare, not less frequently than annually, a report listing all real property owned by the Agency. Such report shall consist of a list and full description of all real and personal property acquired during such period. The report shall contain the price paid by the Agency and the name of the seller for all such real property acquired by the Agency during such period.

#### SECTION 4. ACQUISITION OF PROPERTY.

(A) Supervision and Direction. Except as otherwise provided herein, the duly appointed Contracting Officer shall have supervision and direction over the acquisition of real property of the Agency. The Agency shall have the right to acquire its real property for any valid corporate purpose.

(B) Appraisal Report. An independent appraiser shall be hired to provide an opinion of fair market value before the Agency shall make an offer with respect to the acquisition of the real property. The appraiser should have a professional affiliation with a national appraisal organization and must not have an interest in the property (or be retained as an agent to sell the property). The appraisal report shall be in form and substance satisfactory to the Agency and shall be included in the record of the transaction.

Notwithstanding the foregoing, the preparation of an appraisal report shall not be required where the Agency is acquiring the real property pursuant to a donation, or if the valuation of the real property is uncomplicated in the reasonable judgment of the Agency and the fair market value is determined to be less than \$10,000.

SECTION 5. METHOD OF ACQUISITION. Unless otherwise permitted by applicable law or this Policy, the Agency shall acquire real property for not more than its fair market value by sale, exchange, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and

conditions as the Agency and/or contracting officer deems proper. The Agency may execute such documents for the acquisition of title or other interest in real property and take such other action as it deems necessary or proper to acquire such real property under the provisions of this Policy. Provided, however, the Agency may acquire real property for more than its fair market value, as described in an appraisal report reviewed by the Agency, upon a finding by the Agency pursuant to a resolution of the members of the Agency that the acquisition of such real property at such price is necessary for the Agency to further its corporate purpose.

SECTION 6. VALIDITY OF DEED, BILL OF SALE, LEASE, OR OTHER INSTRUMENT. A deed, bill of sale, lease, or other instrument executed by or on behalf of the seller of the real property and accepted by the Agency, purporting to transfer title or any other interest in the real property of the seller to the Agency in accordance herewith shall be conclusive evidence of compliance with the provisions of this Policy and all applicable law insofar as concerns title or other interest of any bona fide grantor or transferor who has received valuable consideration for such title or other interest and has not received actual or constructive notice of lack of such compliance prior to closing.